

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

FINAL ORDER OF FORFEITURE

This cause came before the Court on Plaintiff's Motion for a Final Order of Forfeiture (Doc. 111). The Court finds:

Pursuant to 18 U.S.C. § 924(d), 28 U.S.C. § 2461(c), and Rule 32.2(c)(2), Federal Rules of Criminal Procedure, this Court entered a Preliminary Order of Forfeiture based on defendant's plea providing for the forfeiture of defendant's right, title and interest in the property described below to the United States, and the Court's finding of requisite nexus between the property and the offense committed by the defendant.

- A. One (1) RG Industries, .38 caliber Revolver, bearing serial number X001323; and
- B. Six (6) rounds of .38 Special ammunition.

The Court's Order further directed the Government to provide notice to any persons known to assert an interest, as well as publishing notice stating the intent of the United States to dispose of the property in accordance with the law and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property.

Notice of this forfeiture and the requirements for filing a claim for the property was published on the government's website at www.forfeiture.gov for thirty (30) consecutive days beginning on April 23, 2011, and ending on May 22, 2011, for at least 18 hours per day. A Declaration of Publication specifying the details of this publication was attached to the Government's Motion. A copy of the Preliminary Order of Forfeiture and of the Notice of Forfeiture were also provided to the following parties who may have had an interest in the property as follows:

- (a) delivery of notice to David P. Henry, attorney representing defendant Etheridge, by certified mail, return receipt number 7010 2780 0002 8767 5174 on May 16, 2011;
- (b) delivery of notice to Leonard D. Etheridge, defendant, by personal service via the U.S. Marshals Service on June 11, 2011;
- (c) delivery of notice to William H. Campbell, attorney representing co-defendant Motzenbocker, by certified mail, return receipt number 7010 2780 0002 8767 5167 on May 16, 2011; and
- (d) delivery of notice to Dwayne D. Motzenbocker, co-defendant, by personal service via the U.S. Marshals Service on June 19, 2011 (Exhibit 5, USM-285).

It appears from the record that no third-parties have asserted any interest in the property described in this Court's Preliminary Order of Forfeiture.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the right, title and interest to the property described above is hereby condemned, forfeited and vested in the United States of America, subject to those interests recognized herein, free and clear of the claims of any person, including Leonard D. Etheridge, and shall be disposed of according to law.

That upon entry of this order, the United States Marshals Service or other appropriate agency is directed to deliver the above-described property to the United States of America for disposition according to law.

IT IS FURTHER ORDERED that the United States District Court shall retain jurisdiction in the case for the purposes of enforcing this Order.

IT IS SO ORDERED this 28th day of October, 2011.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE